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PART II

DIVORCE LAWS AND THE DISSOLUTION OF MARRIAGE

We have seen that marriage is achieved by the performance of social and ritual ceremonies and the transfer of cattle to the kinsmen of the bride. It is now necessary to examine the reverse process by which a union is dissolved. This involves no public ceremonies or ritual, but only the return of bridewealth cattle, with various deductions in respect of rights received and, in the case of children, rights retained by the husband. A distinction must be made between active divorce in which both parties are living at the time of the proceedings, and dissolution of marriage which sometimes follows the death of the wife, though not the death of the husband. There is no distinction in terminology; both situations are *dak kuen*, 'the breaking of marriage', and the same general principles apply, but the details vary.

1. DISSOLUTION OF MARRIAGE ON DEATH OF THE WIFE

The death of his wife is usually considered to give the husband some right to claim the return of his cattle, although he will not always exercise that right. It will depend on a variety of circumstances. If the union has lasted a long time and the husband is on good terms with his wife's family, he may not wish to sever his connexion with them, though he will usually demand return of the bridewealth cattle if she has borne him no children at all. Her family will not necessarily dispute the case, and often wish to assist him. There is after all a human element in Nuer marriages which a coldly analytical approach tends to ignore. The birth of one or two children will alter the situation substantially. The father will in any case usually leave sufficient cattle to retain legal parenthood over them. The number of cattle varied in the past from tribe to tribe and, in some tribes, according to the sex of the children, but for two children a man will have to leave at least ten head of cattle (legitimization fees have now been standardized at five head for a boy and six for a girl),[1] and, after deduction of these, in some marriages there will not be many cattle left to return. Nowadays many Nuer get married with as little as twelve or fifteen head of cattle, and if some of them have died in the possession of the wife's family they will not be returnable. In other marriages a larger number of cattle may have been transferred, and

[1] See under Legitimacy of Children, pp. 118–35.

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their progeny may be considerable. There is no hard and fast rule, nor any convention which governs the attitude taken by the husband. At the same time his rights in such circumstances are usually clear, and nowadays a Nuer court will tend to uphold those rights even though they will nearly always attempt to find a compromise.

In fact disputes over the return of cattle when the wife has died are rare because relations between a husband and his wife's kinsmen are not strained, as they must necessarily be in a case of divorce where both husband and wife are living. No generalization is safe on this subject beyond saying that when the wife dies without issue the husband is likely to demand and receive without undue argument all his cattle; that if one child is born the wife's family will retain sufficient only to legitimize that child; and if two children are born the husband may be content to leave all his bridewealth cattle with the wife's family or may demand the remainder after deduction of legitimization fees. A Nuer court will sometimes allow the latter, sometimes not. If more than two children have been born the return of bridewealth is regarded as impossible. It is then considered that the wife has performed her obligations in this respect in full. It must be remembered that the birth of children is also an indication of the time factor and, generally speaking, the longer a union has lasted the less likely is it to be broken. I quote here four actual cases, taken from a large number of similar ones, which indicate both the principles and the tendency to follow them:

(*a*) *Majok Depyang* v. *Cah Macoat* (*Doh Nuer Case*)

Liah Macoat (brother of Cah) married Majok's daughter. The woman died leaving one male child. Liah then began to claim return of his cattle but died before negotiations were completed. Cah continued this claim as Liah's heir and further demanded return of all cattle and stated that he did not wish to legitimize the child. Chiefs' court ruled that all cattle should be returned with the exception of five head for the boy (*ruak nuor*).

(*b*) *Carok Jyath* v. *Won Teang* (*Doh Nuer Case*)

Carok married Won's daughter, who died after bearing two children. Court ruled that Carok should receive all cattle paid by him after deductions had been made for the children.

(*c*) *Kwic Thowath* v. *Ngotkek Deng* (*Bul Nuer Case*)

Kwic married Ngotkek's brother's daughter. After bearing him three children she died, and Kwic demanded return of his cattle after legitimization fees had been deducted. Court ruled that the woman had fulfilled her obligations and that Kwic had no right to any cattle. Court, however, stated that Ngotkek should assist by payment of *ghok tuoke*.[1] This judgement was confirmed on appeal.

(*d*) *Cuol Dak* v. *Liep Balou* (*Doh Nuer Case*)

Liep married Cuol's daughter who died after bearing him four children. Liep subsequently claimed return of his cattle after deductions for the children

[1] *Ghok* (*yang*) *tuoke*. The significance of this payment is explained later.

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had been assessed. Court ruled that no dissolution of marriage was possible, but ordered Cuol to give Liep a cow (*yang tuoke*) 'for his sister's sons'. This judgement was confirmed on appeal.

These cases are not unusual, and similar disputes and judgements may be found in any court case book. They provide illustrations of the principle that on the death of a wife who has borne one, and in some instances, two, children, the husband may expect the return of all his cattle with the exception of sufficient for him to retain legal parenthood of those children. If, however, the wife has borne three or more children she is considered to have fulfilled her obligations, and there is no claim on her family at all, though they may be expected to assist her husband by payment of what the Nuer refer to as *yang tuoke*. This privilege sometimes extends to the husband's heirs, if he too is dead, should a cow or cows be required for milk for the children. The distinction is clear. In the first instance the union is dissolved and no longer exists, even though the children continue legitimate and therefore legally members of their father's lineage with all the privileges which that entails. In the second instance there is no dissolution at all, but the wife's kinsmen are expected to assist her widower, either to get married again or at least to bring up the children.

Ghok tuoke

Yang or *ghok tuoke* means literally 'the cow or cows of the cooking pot', and in this sense refers to the loss of the domestic assistance a husband should receive from his wife. It is also sometimes referred to as *ghok piths gaat*,[1] or 'the cattle of bringing up the children'. There is therefore contained in the idea the necessity both of compensating a widower for this loss of domestic assets, and of providing him with cattle for the subsistence of the children of the union. The number of cattle which may be claimed varies considerably from tribe to tribe. Among the Lak only one cow at most is paid, while some tribes give as an ideal at least six head of cattle. The Leik, who are comparatively rich in cattle, give eight as the accepted number, and state a definite form of distribution among the dead woman's relatives upon whom the obligation falls. The brother and half-brother of the wife (*dewan kui mundo* and *dewan kui guandε*) should each pay a cow; her father's uterine brother (*guanden mundo*) and father's half-brother (*guanden guandε*) should each pay a cow; likewise her father's sister (*nar*) and mother's sister (*mandεn*), her mother's brother and half-brother (*nar mundo* and *nar guandε*) should each pay a cow.[2]

The payment of *ghok tuoke* is not always honoured, but it is a

[1] Have used in a different context from those claimed outside marriage (see pp. 111–6).

[2] In other words, an equitable distribution among the kinsmen of the wife, both paternal and maternal, who have already received a portion of the bridewealth according to the pattern of distribution.

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definite right, and a Nuer court will often enforce it. In this it is expressing public opinion, which feels that a reasonable man will in certain circumstances assist his brother-in-law and his sister's sons. There is, however, an obvious difference of opinion which may be seen in the four different views on the subject expressed by the chiefs at the meeting of 1945 as follows:

That if a woman dies after fulfilling her procreative obligations—

(i) The legal husband has a right to at least one cow, and the *ji cuongni rur* (the more remote relatives who have received a portion of the bridewealth) may be expected to give him an additional cow or two to help him to marry another wife; but this should be a matter of agreement and should not be enforced in the courts.

(ii) As above, but that the *ji cuongni rur* should be compelled to assist him if necessary.

(iii) No more than one cow should be given to the husband.

(iv) *Yang tuoke* plus one cow from the wife's maternal uncle's portion (*nqve*) and one from the paternal uncle's portion (*guanlende*) must be given to the husband.

In fact the payment of *ghok tuoke* is largely a matter of agreement; a compromise in the case of a man whose wife has died without issue, or with too few children to prevent him from claiming the return of all the bridewealth cattle; an obligation if his wife has fulfilled her obligations in this respect, and he cannot hope for any return. In the first instance, being a compromise and a convenient way of avoiding dissolution of the union, more cattle will be paid than in the second instance, where the payment is usually restricted to one, or at most two, cows.

Yang muon

When a wife dies without having fulfilled her procreative obligations at all and no children have been born of the union, the husband is sometimes expected to leave with her family one cow known as *yang muon*, 'the cow of the earth or burial', representing a token payment for the woman's death, if he claims the return of bridewealth. This is largely of ritual significance, but is sometimes given in place of the *ruath miemni* and *yang yaintei*, deductions left by the husband in divorce when both parties are living, which will be described later.

2. DISSOLUTION OF MARRIAGE WHEN BOTH PARTIES ARE LIVING

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The simplest method of recording the law and circumstances relevant to divorce is to describe some of the commonest situations which arise as exemplified in actual cases brought before the courts. Before doing so, it is necessary to consider what the Nuer believe to be grounds for divorce.

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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gua* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 589 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

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588 768 kinsman but that he marries his dead kinsman a wife. Nuer say of a man *Ce deman kwen cek*, "He (*ce*) his brother (*deman*) married (*kwen*) a wife (*cek*)" i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies "after his testicles have fallen", that is, after he has reached puberty (*jail*), he must be married a wife. They often state this rule by saying that a boy must be married a wife "after he has gone among the cattle" or "when he knows all about cattle" (*Ce pek ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

588 768 681 When asked why they marry wives to dead men Nuer say that until a man marries and begets children he has not reached full manhood, and that a man desires children who will keep his memory green and to whom he can make his wants known in dreams. A ghost likes to think of people asking "Whose son is that?" and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. "The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*rieu*) the family of a man who fails to do his duty.

588 768 This is a vicarious marriage. The vicarious husband acts as though he were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his "wife" begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a "family" we

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can only do so in a qualified sense. However, it is difficult to construct an adequate terminology to describe every type of Nuer procreative union and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man marries his father's brother a wife they say of him *Ce mac gwanlende pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

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588 youths die before marriage—and this was yet more the case before the
●768 Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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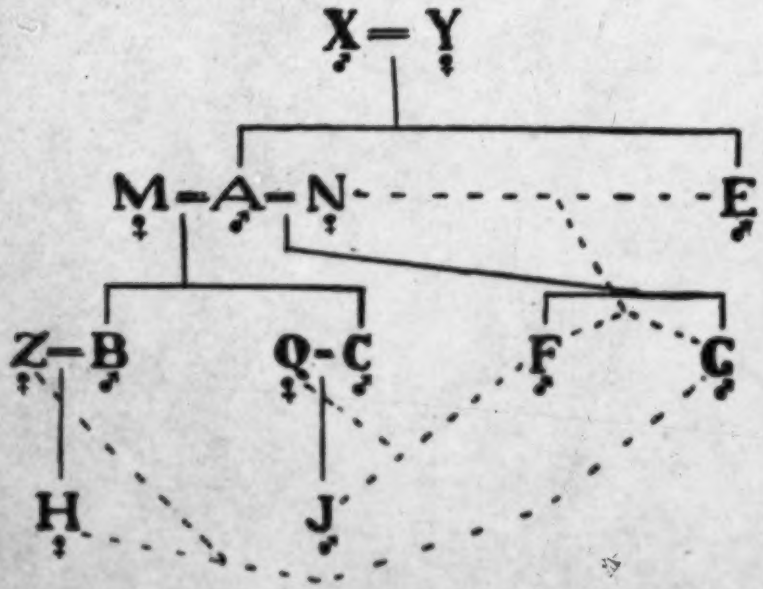

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

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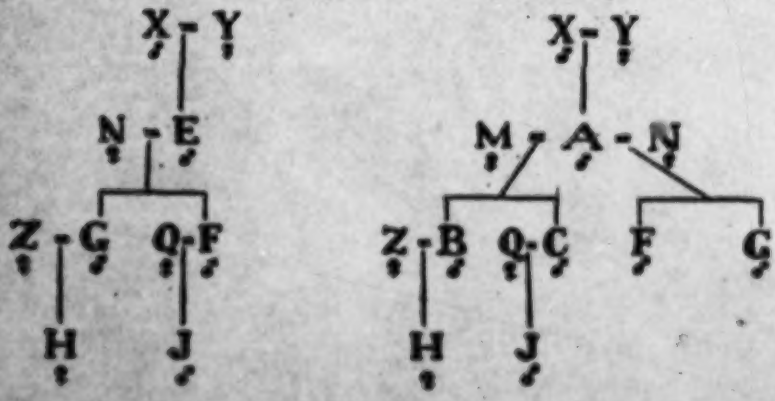
ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death.

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown



Natural Descent Legal Descent

Diagram II

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
●768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.
611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de ku ent cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* ("cattle of the ghosts"), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize "the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them.

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right.

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if *F* ♂ marries a wife to his

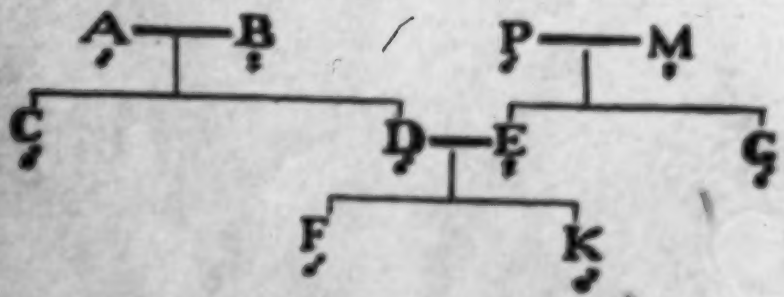

Diagram III

11:Evans-Pritchard E-5 (1931, 1936) 1945
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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat daman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek mi rol*) "for she then counts as a man." The children of this union are caled after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on he marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dad sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768 These vicarious marriages by women or on behalf of women are very

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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂ -Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂ -Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father").

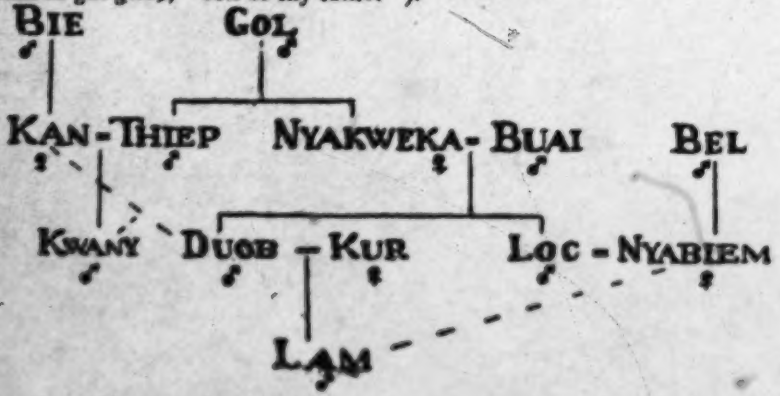

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a

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587 588 woman ought, on the death of her husband, to go to live with one of his brothers, since she was married with the cattle of their kraal. This is not ●768 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as [186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 588 573 Leviritic marriage is very different from ghost-marriage as will be seen when we consider the relations between the children and their genitor. It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

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Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

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587 milks the cows, and performs other domestic services for her sons. If
●768 she is dead and her eldest son is married his wife acts as a cook, house-
593 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take *any lover whom she* chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[611] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live
[586] with one of them. If she refuses they may claim back their bride-cattle i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ke nath cau ke de lony*, "Cattle which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them.

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*yang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Cehe, guri bi wa lun dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me here wide yar be lar "Ghan gan ca be wa lun gwadh dodien, Me ca gat coada gur, ba lum golkun"*, "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour.

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children.

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 dead, so that they may view with equanimity the departure of the widow
●768 and her children, having no feelings of close parentage towards the sons
593 and being assured that they will receive whatever bride-wealth is their due
591 on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she
[611] determines to live away from her husband's village with a stranger his
kinsmen warn her that any children she may bear are the children of her
husband and that one day they will bring them to their father's home.
Among the Eastern Nuer, only if she does something that deeply offends
[586] them will they divorce her. Among the Western Nuer they may divorce
her if she has not borne her husband two children but how often this is
done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a
certain kinsman is to live with his wife. It is difficult for a woman to defy
[776] such an injunction because Nuer believe that if she does so the ghost of
her husband will haunt her and she will cease to bear children or her
children will die.

587 A widow who lives with a stranger after the death of her husband is
611 called *cek ma lak* and a child born of such a union is called *gat laka*. The
children of a widow wherever they are born, or by whomsoever begotten,
count as children of her dead husband, the man to whom she was married
by payment of cattle, whether she was married to him in his lifetime or
vicariously after his death. If the husband dies, or was already dead
before his marriage, the actual configuration of the household may alter
but the formal structure of the family remains the same. Indeed the
family may never be a group of people with real interrelations because the
husband and the father may have died many years before his marriage to
his wife and the birth of his children. Among Nuer the pater is the
husband to the mother. His legal fatherhood is defined by his status to
the mother of the children and not by his physiological functions.

587 A *cek ma lak* is translated in this paper as "widow-concubine" for she
593 is living simply as a concubine to her lover and he has no legal rights over
her. He cannot compel her to live with him and cannot claim compensa-
tion if she commits adultery. He has no legal control over the children
who can be taken away from him by her husband's kinsmen whenever
they choose to remove them. His position is thus very different from
that of a man living with his dead brother's wife. If she leaves him he
can divorce her and if she commits adultery he can obtain redress. More-
over, he has legal control of the children during their minority and no one
can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-
concubine when the children are born by the concubine to her lover is a
natural family which stands in what is sometimes glaring opposition to
the legal family. The corner-stone of the natural family is the genitor
who is acting as husband and foster-father. The corner-stone of the
legal family is the dead husband and pater. According to circumstances
the position of the genitor in a household of this kind may be precarious
or his relations to members of his natural family may approximate to

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mixed with blood is used. For ordinary people water is used. Then butter was brought out in a small gourd and was smeared on the backs and chests of those present and on the dead man's spears. Those who were wearing mourning cords came forward and the master of ceremonies cut them from their waists and necks and carried them into the bush and threw them away. Afterwards the porridge was distributed and eaten.

The master of ceremonies now began to divide up the dead man's possessions. He gave the tobacco to a woman of the dead man's household and his spears to a younger son. He gave half the skin of the sacrificed ox to the eldest son and he took the other half for himself as his right. The rest of Lam's possessions were tied in a bundle for future distribution among his wives and sons. The people then washed themselves. At a mortuary ceremony there is a feeling of pollution and the need to cleanse men and things. The dead man's goods were also washed. I left at this point, while the meat of the sacrifices was still being cooked.

The rites were concluded shortly after sunrise on the following morning. Two men stretched a goat on its back and a third, acting on behalf of Lam's eldest widow and the mother of his dead son Deng, cut it in two with a spear from throat to tail. Even the tail was carefully severed in twain and to complete the division the head was split in two with an axe. While the carcass was being halved in this way an old man and the senior widow pulled at it on one side and Lam's sons pulled at it on the other side till with laughter and cheering it fell apart. The old man and the senior widow ran with their half, the left or bad half, into the bush and threw it there, while the sons carried their half, the right or good half, to the hut outside which the sacrifice had been made. The old man carefully collected half the chyme of the goat and deposited it with the bad half in the bush. Lam's eldest son collected the other half and placed it with the good half of the goat. They express in this manner the departure of evil from the home, where people may now rest in peace. The left half which was carried away represents death and misfortune and the right half which was left in the home represents life and prosperity. Nuer say also that with the bad half go all the secret enmities between the dead and the living and any resentment and guilt there may have been between them. For example, one of the sons may have quarrelled with his father and his father may have

765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 Lam's goods which had been tied up for later distribution on
768 the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. The dead man has to be given the full status of ghost and persuaded to accept it so that he will remain as a ghost and not try to return to the living with the taint of death on him. This is the constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

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That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbungh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *joagh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede ne kene tie yang kel. ce te ni ringe*

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have men-
776 tioned they may invoke (*lam*) them, but even when they do this the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *rick* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be considered as the guardian of the family and lineage. It is therefore called *rick kwoth*, God's shrine, and not *rick jookni*, ghosts'
[769] shrine. There is no cult of the dead, and their graves, not being marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance
551 both for the Nuer themselves and also for an understanding on our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

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but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage.

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name.

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*,

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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551 768 583 'cattle of the ghosts', and they must be handed over to his sons, at once if they are adults, and later if they are children. It is a grave fault for a kinsman to take advantage of the minority of children to use the cattle of ghosts for his own purposes. The rights of the dead in bridewealth cattle derive not only from the fact that it is their kinswoman who is being married but also from the feeling Nuer have that a line of descent is attached to its herd. Whatever individual may have control over the herd it is thought of as being in a vague general sense owned by the ghosts who once tended it, for though the animals change the herd is felt to have a sort of continuity. This is partly why the ghosts are addressed in invocations at weddings. It must be explained to those on the bridegroom's side that the cattle are leaving the herd so that a girl of another lineage may come into the family to bear sons who will continue their own lineage; and it must be explained to those on the bride's side that she is being married with cattle which will enable her family to acquire a wife who will bear sons to continue their lineage.

551 768 The great importance attached to the maintenance of a dead man's name and the privileges and obligations of the living which derive from their relationship to him—*ciek joka*, ghost's wife, *gat joka*, ghost's son, and so on—give sharp individuality to the dead; and it is interesting to note that in the Nuer language the word for the departed has singular and plural forms, unlike many languages in Africa and elsewhere, which, like the Latin *manes*, can indicate only a collectivity. It is possible that we are to seek in the desire for survival of the self in the name—not just survival in the children—the reason for the fact that Nuer do not, at any rate in normal circumstances, care to call a son by the same name as his father and even show aversion at the suggestion that one might do so. Were father and son to bear the same name they would be likely in course of time to become merged in the recitation of a genealogy. I think Nuer realize this. However, it would be necessary, were such an interpretation advanced, to account for the fact that some of the other Nilotic peoples have no objection to father and son bearing the same name, the Anuak for instance, and Dr. Lienhardt tells me that it is also the case among the Dinka.